

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SERGIO L. SHAW,

Plaintiff,

v.

OFFICER NEUMIER,

Defendant.  
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ORDER

09-cv-747-bbc

In response to an order entered in this case on December 15, 2009, plaintiff has submitted a trust fund account statement covering the six-month period immediately preceding the filing of the complaint. From plaintiff's trust fund account statement, it appears that plaintiff presently has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint in forma pauperis and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). Leave to proceed in forma pauperis will not be granted if the action must be dismissed as malicious or legally "frivolous," a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a

defendant who is legally protected from having to pay money in his case. His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that plaintiff's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that plaintiff Shaw owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 29<sup>th</sup> day of December, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge